

Amendment No. 2 to SB1123

Bailey  
Signature of Sponsor

**AMEND Senate Bill No. 1123**

**House Bill No. 1129\***

by deleting all language after the caption and substituting instead the following:

WHEREAS, raw milk can carry harmful bacteria and other germs that can mean many days of diarrhea, stomach cramping, and vomiting; and

WHEREAS, some people who have drunk raw milk have developed severe or even life-threatening diseases, including Guillain-Barré syndrome, which can cause paralysis, and hemolytic uremic syndrome, which can result in kidney failure, stroke, and even death; and

WHEREAS, a wide variety of germs that are sometimes found in raw milk can make people sick, including *Brucella*, *Campylobacter*, *Cryptosporidium*, *E. coli*, *Listeria*, and *Salmonella*; and

WHEREAS, each ill person's symptoms can differ depending on the type of germ, the amount of contamination, and the person's immune defenses; and

WHEREAS, the risk of getting sick from drinking contaminated raw milk is greater for infants and young children, older adults, pregnant women, and people with weakened immune systems, such as people with cancer, an organ transplant, or HIV, than it is for healthy older children and adults. However, healthy people of any age can get very sick or even die if they drink raw milk contaminated with harmful germs; and

WHEREAS, from 1993 through 2012, 127 outbreaks reported to the CDC were linked to raw milk. These outbreaks included 1,909 illnesses and 144 hospitalizations. Most of the outbreaks were caused by *Campylobacter*, Shiga toxin-producing *E. coli*, or *Salmonella*; and

WHEREAS, a large number of raw milk outbreaks involve children. At least one child younger than 5 was involved in 59% of the raw milk outbreaks reported to the CDC from 2007

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through 2012. Children aged 1 to 4 years accounted for 38% of *Salmonella* illnesses in these outbreaks and 28% of illnesses caused by Shiga toxin-producing *E. coli*, which can cause kidney failure and death; and

WHEREAS, basic sanitary standards and cooperation between farmers and public health officials is needed to avoid harm to the citizens of this state in the sale and consumption of raw milk; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-3-119, is amended by deleting the section and substituting the following:

(a) Nothing in this part or any other law prohibits the independent or partial owner of any hoofed mammal from using the milk from the animal for the owner's personal consumption or other personal use in compliance with this section.

(b)

(1) Prior to using milk in the manner described in subsection (a), the owner of the farm on which the hoofed mammal is located shall register with the department. The registration must include the farm owner's name, address, phone number, the address of the farm, and the number of hoofed mammals used in the manner described in subsection (a) on the farm.

(2) Registration under this subsection (b) is valid for two (2) years. The department shall not charge a fee to register or renew registration pursuant to this subsection (b).

(3) The department shall maintain on the department's website a registry of all farm owners and farms registered pursuant to subsection (b).

(c) Prior to applying for registration with the department under subsection (b), the farm owner shall complete a safe milk handling course offered by the University of Tennessee Agricultural Extension Service. The farm owner is responsible for all fees related to completing the course. The department shall require farm owners to complete continuing education for continued registration after the initial registration every two (2) years.

(d) To maintain registration with the department, a farm owner shall:

(1) Maintain a list of the names, addresses, phone numbers, and email addresses, if applicable, of all partial owners of a hoofed mammal;

(2) Maintain a list of all distribution of milk transactions from a hoofed mammal located on the farm. The transaction log must include, at a minimum, the partial owner to whom the milk is distributed, the date and time of the transaction, and the amount of milk transferred;

(3) Maintain a contract on file between the farm owner and the partial owner of the hoofed mammal with clear terms of ownership and the rights resulting from such ownership; and

(4) Maintain a warning form signed annually by each partial owner of a hoofed mammal that describes the risks associated with consuming milk from a hoofed mammal without pasteurization.

(e) A farm owner shall retain the records described in subsection (d) for each partial owner of the hoofed mammal for at least three (3) years following the end of the partial ownership contract with that partial owner. A farm owner shall allow the department to inspect the records maintained according to subsection (d) upon request by the department.

(f) All milk distributed pursuant to this section to partial owners of hoofed mammals must include a warning label that specifies the risks of potential *Brucella*, *Campylobacter*, *Cryptosporidium*, *E. coli*, *Listeria*, and *Salmonella* contamination. The warning label must also identify the risks associated with children consuming the milk. The department shall create a warning label that may be used to comply with this subsection (f) and shall make the warning label available for free on the department's website.

(g) A farm owner who tends to one (1) or more hoofed mammals for the purpose of producing milk to be consumed or otherwise used by an independent or partial owner of the hoofed mammal, as authorized by this section, may participate in the cooperative agricultural extension fund, created by § 49-50-103, for the purposes described in subsection (h) if the farm owner complies with this section.

(h) A farm owner who is authorized to participate in the cooperative agricultural extension fund under subsection (g) is eligible to receive cooperative agricultural extension funding for dairy equipment and processing equipment that promotes public health, including, but not limited to, equipment for pasteurizing, testing, and bottling milk.

(i) An individual who violates this section is subject to a civil penalty as determined by the department by rule. All moneys collected pursuant to this subsection (i) must be deposited in the Tennessee agricultural regulatory fund as described in § 43-1-701.

(j)

(1) If a contamination event occurs on a farm registered under this section, then the farm owner must allow the department of health access to the farm within twenty-four (24) hours following the contamination event to investigate on the farm and to complete lab testing. All distribution of milk pursuant to this section must cease until the investigation is completed and the

cause of the contamination is determined and remedied to the satisfaction of the department of health.

(2) If a contamination event occurs on a farm registered under this section, then the farm owner must notify all partial owners of hoofed mammals by email, text message, or phone and provide a list of those partial owners to the department of health.

(3) If a farm owner does not cooperate with the department of health in accordance with this subsection (j) or rules promulgated by the department of health to enforce this subsection (j), then the department of agriculture must immediately revoke the registration of the farm.

SECTION 2. The department of agriculture and the department of health may promulgate rules to effectuate this part. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.